

REMARKS

In the Office Action mailed December 12, 2008, the Office noted that claims 1-14 were pending and rejected claims 1-14. Claims 1 and 7 have been amended to include recitations previously found in dependent claims, claims 5, 6, 11 and 12 have been canceled, and, thus, in view of the foregoing, claims 1-4, 7-10, 13 and 14 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below. Entry of this amendment is solicited.

REJECTIONS under 35 U.S.C. § 103

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fukui, European Publication 1353467 A1 in view of TR 25.858 v1.1.0, R1-02-0435, 3GPP TSG RAN WG1 Meeting 23, hereinafter, "3GPP". The Applicant respectfully disagrees and traverses the rejection with an argument.

Fukui discusses a method of transmitting sequences of sub-frames assigned to different users over a plurality of channels.

3GPP discusses the basic physical-channel structure of the HS-DSCH-related associated downlink signaling.

The Applicant has amended claim 1 to include the features of claims 5 and 6. On pages 6 and 7 of the Office Action, it is asserted that Fukui disclose as modified by 3GPP

discloses "transmitting the negative acknowledgment (NACK) message from the second station to the first station on a common control channel, wherein the control information is transmitted and received on the common control channel."

However, in Fukui ¶ 005, it is stated that the NACK is transmitted on the HS-DPCCH, uplink channel, which is separate from the HS-SCCH channels which both transmit and receive control information according to the interpretation by the Office. Further, the combination of the references does not disclose that HS-DPCCH both transmits and receives control information at the UE.

Claim 7 has been amended in a similar manner. Therefore, for at least the reasons discussed above, Fukui and 3GPP, taken separately or in combination, fail to render obvious the features of claims 1 and 7.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 1-4, 7-10, 13 and 14 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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